

HOUSE JOINT RESOLUTION 553

By Turner M

A RESOLUTION to amend Article XI of the Constitution of the State of Tennessee to establish a minimum wage for certain persons employed within this state.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that Article XI of the Constitution of the State of Tennessee be amended by adding the following language as a new, appropriately designated section:

Section ____.

(a) There shall be a minimum wage for persons employed within this state, and the amount and applicability thereof shall be not less than the federal minimum wage.

(b) If the U.S. congress fails to increase the federal minimum wage for a period of five (5) consecutive, full calendar years, then every employer in this state who is subject to the federal Fair Labor Standards Act of 1938, as amended, shall thereafter pay the Tennessee minimum wage beginning February 1st next succeeding such fifth calendar year. The amount of the Tennessee minimum wage shall be established by the comptroller of the treasury and shall equal the federal minimum wage as adjusted to reflect the percentage increase in the average consumer price index [(all items-city average) as published by the United States department of labor, bureau of labor statistics], for the period of the five (5) consecutive, full calendar years of congressional inaction. On February 1st each year thereafter, the Tennessee minimum wage shall be adjusted by the comptroller to reflect the percentage increase in such average consumer price index for the previous calendar year. Such annual adjustment shall continue until such time as the U.S. congress increases the federal minimum wage to a level that

equals or exceeds the Tennessee minimum wage; and, upon the effective date of such congressional enactment, the Tennessee minimum wage shall be suspended and the tolling of a new period shall begin for purposes of any subsequent implementation of the Tennessee minimum wage pursuant to this subsection.

(c) Any employer who violates the minimum wage requirements of this section shall be liable to the employee or employees affected for the amount of unpaid minimum wages. Upon a judgment being rendered in favor of any employee or employees, in any action brought in any court of competent jurisdiction to recover unpaid wages under this section, such judgment shall include, in addition to the unpaid wages adjudged to be due, an additional amount equal to such wages as damages. The court shall, in addition to any judgment awarded to the employees, require the defendant to pay court costs and reasonable attorney's fees incurred by the employee or employees. However, action to recover must be instituted within three (3) years from the date such wages should have been paid.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Sixth General Assembly and that this resolution proposing such amendment be published by the Secretary of State in accordance with Article XI, Section 3 of the Constitution of the State of Tennessee.

BE IT FURTHER RESOLVED, that the Clerk of the Senate is directed to deliver a copy of this resolution to the Secretary of State.